

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE  
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October 27, 2010

**Via E-Mail**

Hon. Michelle Phillips, ALJ  
Department of Public Service  
Three Empire State Plaza, 3rd floor  
Albany, New York 12223

Hon. Kevin Casutto, ALJ  
Department of Public Service  
Three Empire State Plaza, 3rd floor  
Albany, New York 12223

RE: Case 10-T-0139 – Application of Champlain Hudson Power Express, Inc.  
for a Certificate of Environmental Compatibility and Public Need  
Pursuant to Article VII of the PSL for the Construction, Operation and  
Maintenance of a High Voltage Direct Current Circuit from the Canadian  
Border to New York City.

Dear Judges Phillips and Casutto:

The Staff of the Department of Public Service designated to represent the public interest in this proceeding (DPS Staff) submits this letter to identify alternative route segments and an alternative converter station site that we would support if the Commission were to make the statutory findings specified in §126(1) of the Public Service Law that are not related to the routing of the transmission facility. As indicated in our letter to you dated October 25, 2010, we consider reasonable all the alternative routes described in the application filed by Champlain Hudson Power Express, Inc. (CHPEI or Applicant) that were not specifically stated to be unreasonable.<sup>1</sup> DPS Staff also believes that the alternatives identified herein are reasonable. At

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<sup>1</sup> Tyminski v. Public Service Commission, 38 N.Y.2d 156, 159-60 (1975). As the court explained: "The Legislature recognized that the commission must be given the basic information necessary to evaluate the advantages and drawbacks of both the proposed facility and any reasonable alternatives. Accordingly, in addition to the impact study on the primary proposal, the applicant must supply a description of alternatives, a description of the comparative merits and detriments of each location, and a statement of the reasons why the primary proposal was deemed the best suited for the facility. [The Legislature mandated] that the applicant produce descriptions of reasonable alternatives, and an explanation of why the alternatives are unsatisfactory."

this time, therefore, the parties' focus as it relates to alternative routes (whether in settlement negotiations or litigation) should be on the alternatives identified by CHPEI and those described herein and in the attached maps. We note that the Hudson River Western Rail Line Route would pass through the Villages of Ravena, Catskill and West Haverstraw, which were not served with the application as supplemented. It also appears that neither New York State Department of Transportation (NYSDOT) nor the counties of Clinton, Essex, Warren, Washington, Saratoga, Schenectady, Albany, Rensselaer, Columbia, Greene, Ulster, Dutchess, Putnam, Orange, Rockland, Westchester, Bronx, New York, and Queens, which are affected by CHPEI Preferred Route or reasonable alternatives thereto, were served with a copy of the application as supplemented. The ALJs should require service on these municipalities and NYSDOT, as well as on the US Army (due to the proximity of the line routes to the US Military Academy at West Point).

#### **Hudson River Western Rail Line Route**

DPS Staff has identified an Alternative Route called the "Hudson River Western Rail Line Route". It begins at milepost (MP) 199.5 in the Town of Bethlehem, Albany County, and follows within the railroad rights-of-way of the River Subdivision of CSX Transportation to the west of the Hudson River. It rejoins CHPEI's Preferred Route into the Hudson River in the vicinity of MP 302 in the Town of Clarkstown, Rockland County. Most of the Hudson River Western Rail Line Route has been identified by the Applicant on Figure 3.6-5 in Exhibit 3 of the application as part of Section 3.6.1.6, which describes the Underground Cable Alternative from Canada to New York City. DPS Staff has identified this route as a reasonable alternative to locating the proposed cables in about 100 miles of the Hudson River because it would avoid adversely affecting the Hudson River habitats and navigation.

#### **Harlem River Rail Route**

DPS staff has identified an Alternative Route called the "Harlem River Rail Route". The Harlem River Rail Route begins at CHPEI MP 323.4, in the Hudson River in the Bronx, and makes landfall at Spuyten Duyvil, and then proceeds along the Metropolitan Transit Authority and NYSDOT railroad corridor along the northerly and easterly banks of the Harlem River for approximately six miles to the rail yards west of Willis Avenue, where it joins the alignment of the Hell Gate Bypass Route, described below. DPS Staff has identified this route as

an alternative to locating the proposed electric transmission cables in six miles of the Harlem River, where engineering constraints and environmental conditions may limit constructability.

**Hell Gate Bypass Route and Bronx Converter Station Site**

DPS staff has identified an alternative route called the "Hell Gate Bypass Route". The Hell Gate Bypass Route begins at CHPEI MP 330.1 in the Harlem River, north of the Willis Avenue Bridge, and proceeds easterly to landfall at the NYSDOT railroad corridor and rail yards, following the rail corridor along the northerly side of the Bronx Kill to the East River. This route proceeds southeasterly across the East River to landfall at the power plant complex at Lawrence Point in Astoria, Queens, rejoining CHPEI's Preferred Route at MP 333.9. DPS Staff has identified the Hell Gate Bypass Route as an alternative to locating the proposed electric transmission cables in a longitudinal occupancy of the Hell Gate reach of the East River, where engineering constraints and environmental conditions may limit constructability. Furthermore, this alternative would minimize conflicts with proposed development of renewable hydrokinetic energy projects in the East River. This alternative route is 10,000 feet shorter than the corresponding segment of CHPEI's Preferred Route.

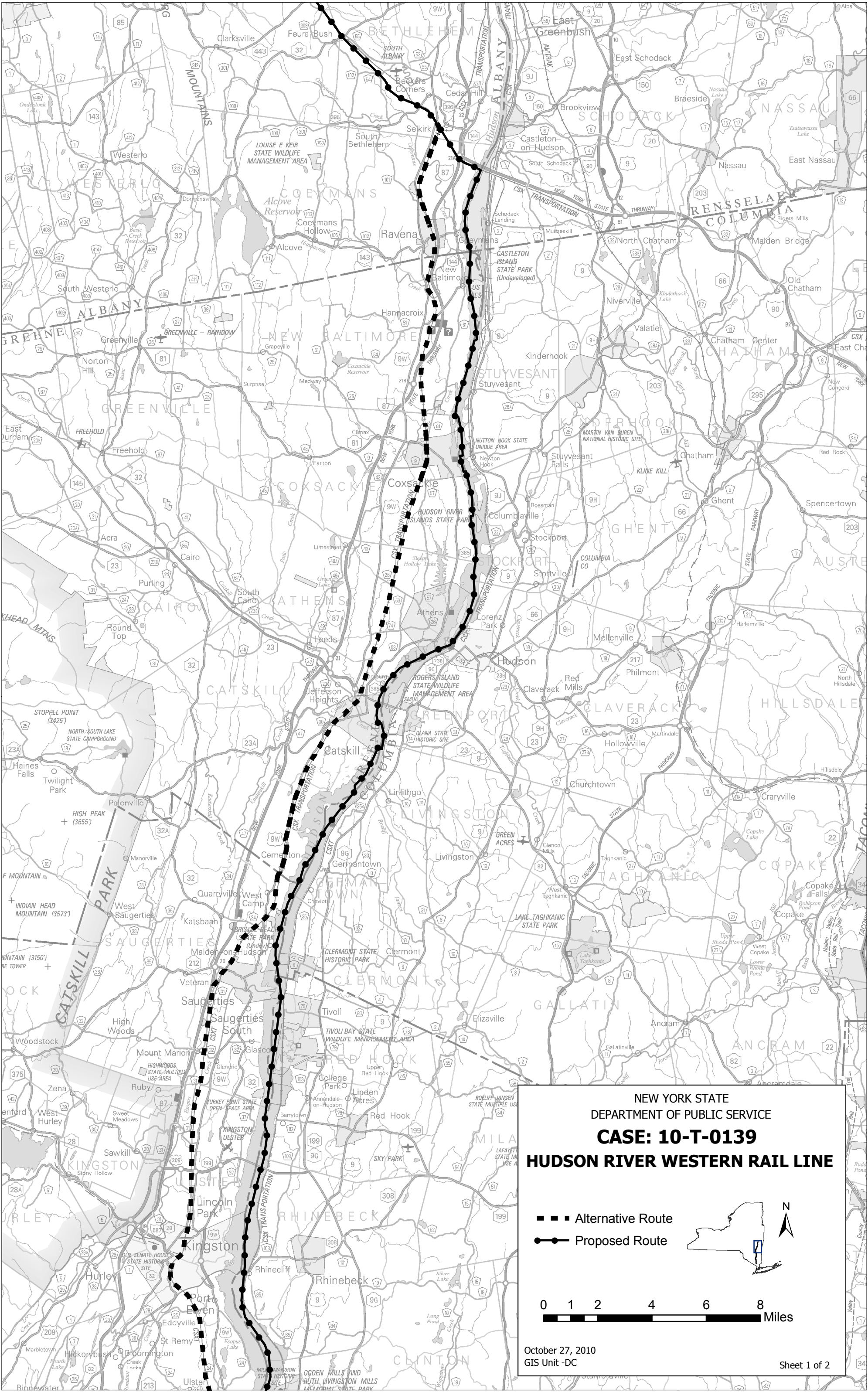
DPS staff has identified an alternative Converter Station Site that coincides with the Hell Gate Bypass Route. The site is located at the north side of the Bronx Kill west of the TriBorough Bridge on vacant land of the New York City Department of General Services identified as Lot 1 in Block 2543. The site is zoned as M3-1, and the lot is listed as being in excess of 8 acres in extent. The Bronx Converter Station site was identified as a heavy industrial zoned parcel which is located near the proposed terminus of the CHPEI facility in an area of existing transportation and utility uses.

Very truly yours,

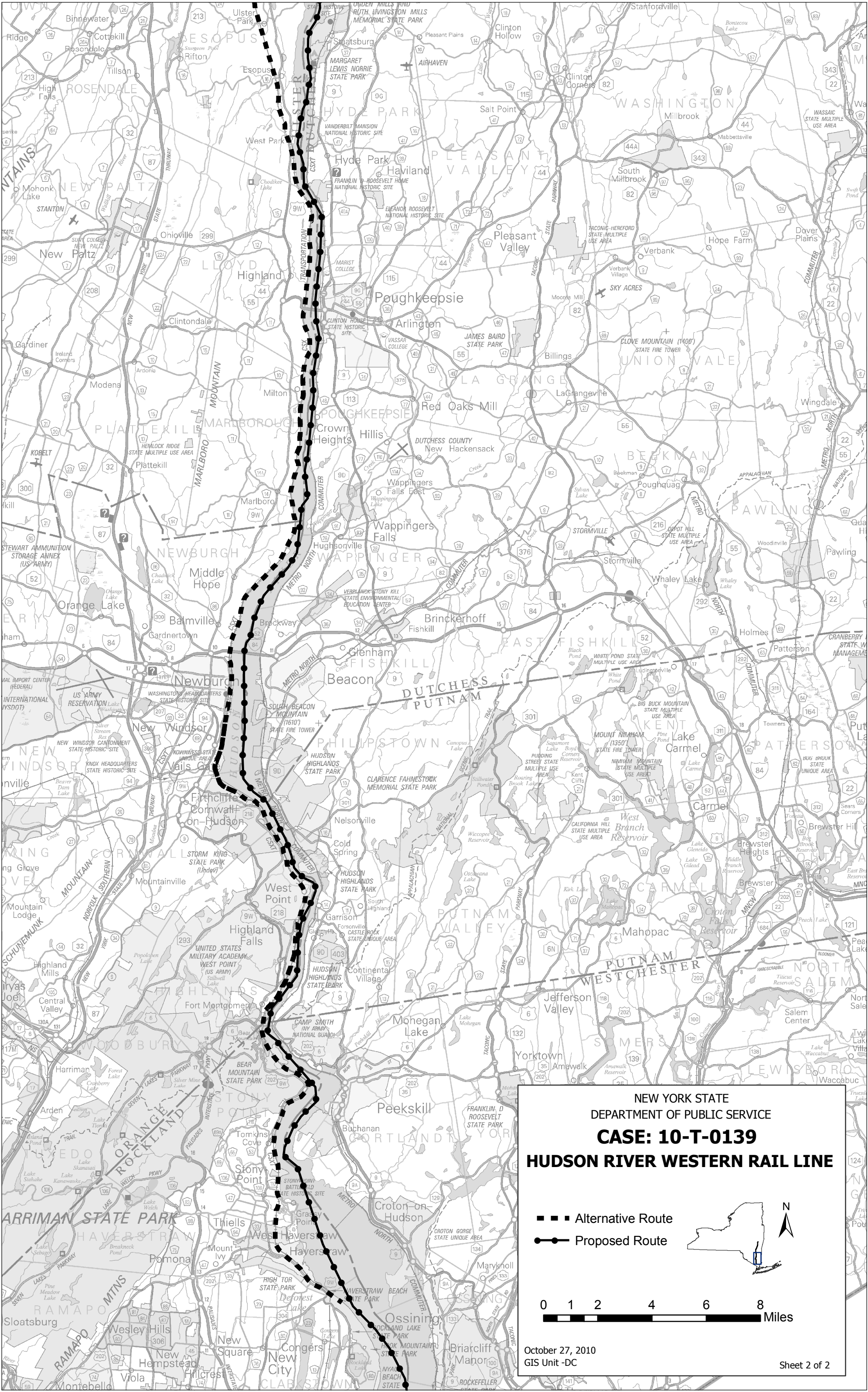
/s/

Steven Blow  
Assistant Counsel

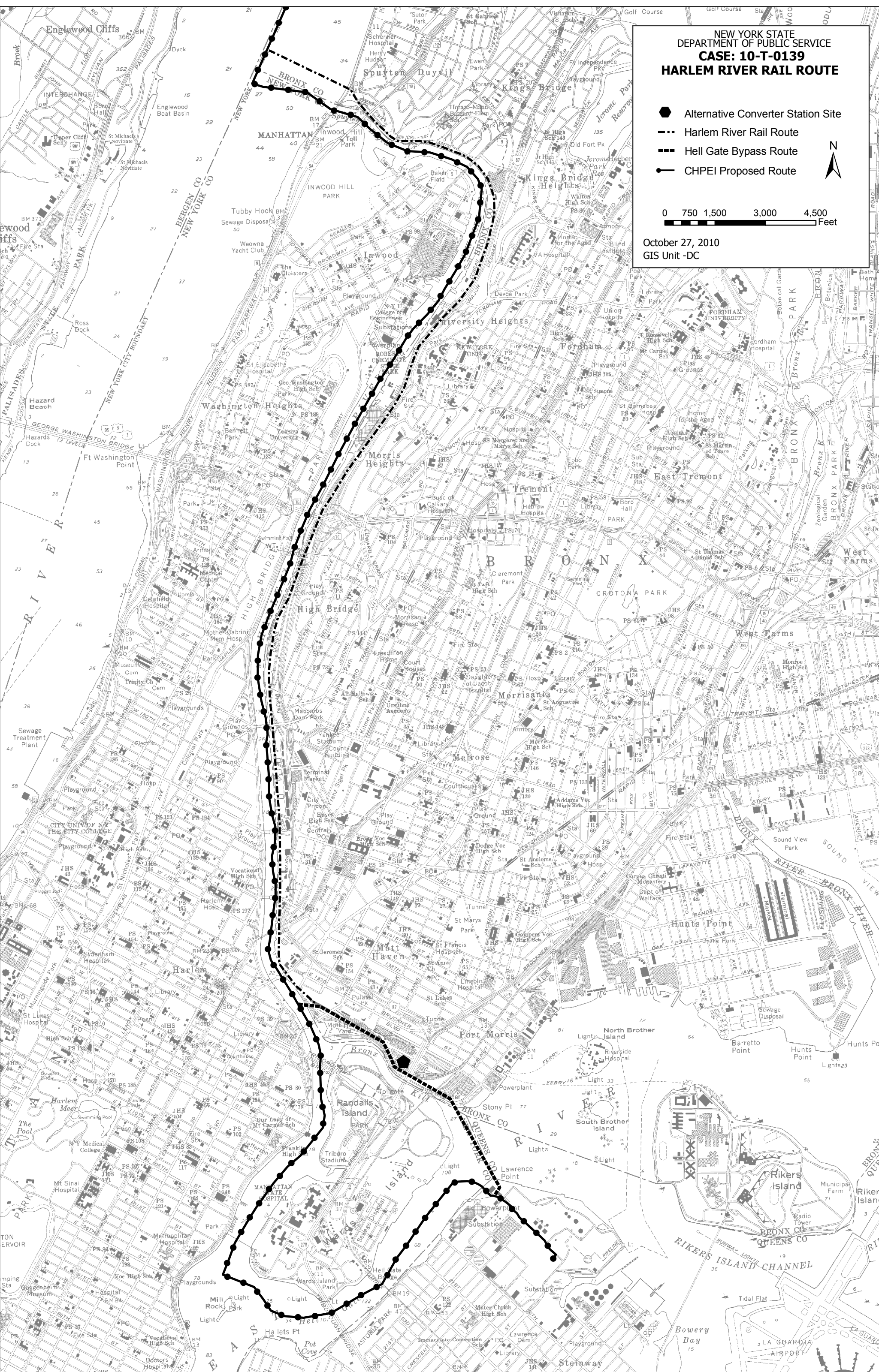
cc: Secretary Brilling  
All Parties











NEW YORK STATE  
DEPARTMENT OF PUBLIC SERVICE  
**CASE: 10-T-0139**  
**HARLEM RIVER RAIL ROUTE**

Alternative Converter Station Site

Harlem River Rail Route

Hell Gate Bypass Route

CHPEI Proposed Route

N

07501,5003,0004,500

Feet

October 27, 2010

GIS Unit -DC

